

**ASSEMBLY BILL**

**No. 964**

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**Introduced by Committee on Public Employees, Retirement and Social Security (Hernandez (Chair), Fong (Vice Chair), Beall, and Torrico)**

February 26, 2009

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An act relating to state employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 964, as introduced, Committee on Public Employees, Retirement and Social Security. State employees: memorandum of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds pursuant to a memorandum of understanding entered into between the state employer and an unspecified bargaining unit, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate

the affected provisions if funds for these provisions are not specifically appropriated by the Legislature.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that the  
2 purpose of this act is to approve an agreement pursuant to Section  
3 3517.5 of the Government Code entered into by the state employer  
4 and State Bargaining Unit \_\_\_\_.

5 SEC. 2. The provisions of the memorandum of understanding  
6 prepared pursuant to Section 3517.5 of the Government Code and  
7 entered into by the state employer and State Bargaining Unit \_\_\_\_  
8 and that require the expenditure of funds, are hereby approved for  
9 the purposes of Section 3517.6 of the Government Code.

10 SEC. 3. The provisions of the memorandum of understanding  
11 approved by Section 2 of this act that require the expenditure of  
12 funds, shall not take effect unless funds for these provisions are  
13 specifically appropriated by the Legislature. If funds for these  
14 provisions are not specifically appropriated by the Legislature, the  
15 state employer and the affected employee organization shall meet  
16 and confer to renegotiate the affected provisions.

17 SEC. 4. Notwithstanding Section 3517.6 of the Government  
18 Code, the provisions of any memorandum of understanding that  
19 require the expenditure of funds shall become effective even if the  
20 provisions of the memorandum of understanding are approved by  
21 the Legislature in legislation other than the annual Budget Act.

22 SEC. 5. This act is an urgency statute necessary for the  
23 immediate preservation of the public peace, health, or safety within  
24 the meaning of Article IV of the Constitution and shall go into  
25 immediate effect. The facts constituting the necessity are:

26 In order for the provisions of this act to be applicable as soon as  
27 possible in the 2008–09 fiscal year, and thereby facilitate the  
28 orderly administration of state government at the earliest possible  
29 time, it is necessary that this act take effect immediately.

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